IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 178 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE H.H.MEHTA

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

GAEKWAD INVESTMENT CORPORATIONPRIVATE LIMITED

Versus

JAYESH JAGDISHCHANDRA DAVE

Appearance:

1. Appeal from Order No. 178 of 1999

MR DV PARIKH for Appellant

MR BG JANI for Respondent No. 1

MR VG DAVE for MR YOGESH S LAKHANI for Respondent No. 2

CORAM : MR.JUSTICE H.H.MEHTA

Date of decision: 17/01/2002

ORAL JUDGEMENT

1. Heard Mr.D.V.Parikh, learned advocate for the appellant, Mr.B.G.Jani, learned advocate for the respondent No.1 and Mr.V.G.Dave, learned advocate for and

on behalf of Mr.Y.S.Lakhani, learned advocate for the respondent No.2.

2. The learned advocates for both the parties jointly request to this Court that this appeal may be disposed of by giving suitable directions to the trial Court without assigning reasons. I have gone through the order, which is challenged in this appeal and grounds stated in the appeal. In view of the facts and circumstances of the case, this appeal is ordered to be disposed of by giving following directions.

[i] The learned Judge of the trial Court is directed to decide and dispose of Special Civil Application No.242 of 1998, which is pending on the file of learned 5th Joint Civil Judge (S.D.), Ahmedabad (Rural), Mirzapur, at Ahmedabad, as expeditiously as possible.

[ii] Meanwhile, the order dated 23/12/1999 passed by this Court (Coram : K.R.Vyas,J.) in Civil Application No.2570 of 1999, shall remain operative and effective till the final disposal of the suit. Copy of the said order dated 23/12/1999 passed in Civil Application No.2570 of 1999 be sent with writ of this order to the trial Court.

[iii] Both the parties are directed to extend fullest co-operation to the learned Judge of the trial Court as per this order.

3. In view of the directions given hereinabove, this appeal shall stand dispose of. No order as to costs.

(H.H.Mehta,J.)

vijay